

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>Frontier Oil and Refining Company</b>	)	
v.	)	<b>Docket No. OR09-7-000</b>
<b>Platte Pipe Line Company</b>	)	

**MOTION OF THE WYOMING PIPELINE AUTHORITY  
TO INTERVENE  
AND REQUEST FOR APPOINTMENT OF SETTLEMENT JUDGE**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. § 385.214 (2008), the Wyoming Pipeline Authority (“WPA”) hereby submits its Motion To Intervene in the above-captioned proceeding.

**I. COMMUNICATIONS**

In accordance with Rule 203(b) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203(b) (2008), communications should be addressed to:

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**II. STATEMENT OF INTEREST**

The WPA is a body politic and corporate of the State of Wyoming and an instrumentality of the State. The WPA’s principal place of business is located at 152 North Durbin Street, Suite 250, Casper, Wyoming 82601.

The State of Wyoming has a royalty interest in crude oil produced from state mineral leases in Wyoming. Wyoming also receives a share of the value of the royalty interest of the

federal government in crude oil produced from federal mineral leases in Wyoming. The State also receives severance and *ad valorem* taxes on production of crude oil in Wyoming.

Consequently, the State of Wyoming has a substantial economic interest in disposition of crude oil produced in Wyoming. The WPA is a representative of those interests.

### **III. BACKGROUND**

On April 17, 2009, Frontier Oil and Refining Company (“Frontier”) filed a complaint and request for expedited action against Platte Pipe Line Company (“Platte”) in the above captioned docket. Frontier’s complaint alleged Platte has failed to conduct prorationing of capacity on the Platte system in accordance with Platte’s tariff and, through such failure, has discriminated against shippers on Platte such as Frontier. Frontier’s complaint alleges that even if Platte’s prorationing of capacity is in accord with Platte’s tariff and previous Commission Orders, as applied Platte’s prorationing scheme is unjust and unreasonable, and unduly discriminatory to shippers on the upstream portion of Platte’s system in Wyoming, and therefore violates the Interstate Commerce Act (“ICA”).

### **IV. MOTION TO INTERVENE**

Pursuant to Rule 214, 18 C.F.R. § 385.214 (2008), the WPA moves to intervene in this proceeding. In the pursuit of its obligation to develop and maintain access to markets for the abundant natural resources of the State of Wyoming, the WPA monitors proposed actions that may impede the access of Wyoming crude oil to markets. The Platte system is an integral element in the infrastructure required to move crude oil produced in Wyoming to refineries in Wyoming and in other nearby states. The WPA has a direct interest in the outcome of this proceeding that no other party can adequately represent. The WPA’s participation is in the public interest.

## **V. REQUEST FOR APPOINTMENT OF SETTLEMENT JUDGE**

The WPA is concerned that an improper or discriminatory application of prorating of scarce capacity on the Platte system could adversely affect the value of crude oil produced in Wyoming and the ability of refineries in Wyoming and in nearby states to utilize Wyoming crude oil supplies.

Without taking a position respecting the competing interpretations of the Platte tariff language at issue, the WPA is concerned that even if Platte's prorating practices are in accord with Platte's tariff, Platte's prorating scheme may nevertheless be unjust and unreasonable, and unduly discriminatory as applied to shippers on the upstream portion of Platte's system in Wyoming. The WPA believes this possibility warrants exploration of alternative dispute resolution procedures. A hearing limited to whether Platte's actions are in accord with Platte's current tariff might overlook the more fundamental underlying issue whether the tariff needs to be changed to prevent unjust and discriminatory results. Therefore, the WPA supports appointment of a Settlement Judge to explore these issues in the hope of obtaining a timely resolution of the dispute.<sup>1</sup>

## **VI. CONCLUSION**

The WPA respectfully requests the Commission to grant the WPA's Motion To Intervene and to designate the WPA as a party to this proceeding with all rights attendant thereto. The WPA requests the Commission to appoint a Settlement Judge to explore the potential for resolution of the complex factual and tariff interpretation issues related to the prorating practices of Platte, and in particular the overarching question whether, notwithstanding the

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<sup>1</sup> On May 6, 2009, the WPA filed a Motion for Leave to Intervene Out of Time in Docket No. OR09-6-000, a related complaint proceeding against Platte filed by Suncor Energy Marketing Inc. and Suncor Energy (U.S.A.) Inc. (collectively "Suncor") alleging similar violations of the ICA associated with Platte's prorating practices. In that Motion, WPA supported a Technical Conference. On further investigation, the WPA believes appointment of a Settlement Judge in both dockets would likely be more productive than a Technical Conference.

language of Platte's tariff, in practice Platte's prorationing scheme may be unduly discriminatory as applied to shippers on the upstream portion of Platte's system in Wyoming.

Respectfully submitted,

**THE WYOMING PIPELINE AUTHORITY**

By: *William F. Demarest, Jr.*

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Counsel for the Wyoming Pipeline Authority

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Washington, D.C., this 7<sup>th</sup> day of May 2009.

*Nancilee Holland*

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